

(Previously Filed Under Seal at ECF No. 8507)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Federal Insurance Co., et al. v. Al Qaida, et al., 03-cv-06978
Thomas E. Burnett, Sr., at al. v. Al Baraka Inv. & Dev. Corp., et al., 03-cv-09849
Estate of John P. O'Neill, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., 04-cv-01923
Continental Casualty Co., et al. v. Al Qaeda, et al., 04-cv-05970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al., 04-cv-07065
Euro Brokers Inc., et al. v. Al Baraka Inv. & Dev. Corp., et al., 04-cv-07279

**DECLARATION OF ROBERT T. HAEFELE TRANSMITTING
DOCUMENTS IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS DUBAI ISLAMIC BANK**

I, Robert T. Haeefe declare, under penalty of perjury, as follows:

1. I am an attorney with the law firm of Motley Rice LLC, admitted to practice before this Court. I represent plaintiffs in the above-captioned multidistrict litigation and am a member of the Plaintiffs' Executive Committee for the Personal Injury and Death Claims, on which I act as co-liaison counsel for the Committee.

2. Plaintiffs' letter motion to compel Dubai Islamic Bank ("DIB") and this declaration are being filed under seal because they both refer to two documents that continue to be protected under the FBI Protective Order, ECF No. 4255. The two documents, which bear bates numbers EO14040-002929-MDL-UPDATED and EO14040-003075-MDL are identified on pages 3 and 5 of the letter and in paragraphs 4(c) and 4(d) of this declaration, and are attached to this declaration as exhibits 3.1 and 4.1.

3. To expedite the process of filing public versions of the letter motion and this declaration, I have identified within text boxes on pages 3 and 5 of the letter, and in the bullets at

paragraphs 4(c) and 4(d) of this declaration the portions of the text that Plaintiffs propose may be considered protected under the FBI Protective Order, and therefore redacted from a public filing.

4. I submit this Declaration to transmit to the Court the following true and correct copies of the following documents in support of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion to Compel Defendants Dubai Islamic Bank ("DIB"), filed with the Court on the same date as this Declaration.

- a. **Exhibit 1** is March 22, 2017 Correspondence from Katie Barlow, of Clifford Chance, representing defendant Dubai Islamic Bank, to Scott Tarbutton and Sean Carter, with attached Appendices A and B, previously filed at ECF No. 3791-12.
 - On page 2 of the letter from DIB's counsel, counsel for DIB reasserted that "DIB will 'search for exact matches . . . in the full name accountholder field in DIB's electronic account record keeping system.'"
 - On Page 2 of the letter, DIB's counsel explains that DIB agrees to search for 618 names listed in the Appendix B attached to the letter. These search terms included Saidi al Madani al Tayyib and his aliases, including Abu Khalifah al Omani (#3-17); Saeed Ahmad Lootah (#571); Ali Abdul Aziz Ali and his aliases, including Ammar al Baluchi (#28-37); Sulaiman al Ali (#583); Usama bin Laden (#294-300), and Bin Ladin's Sudanese Businesses, which include Wadi al Aqiq (#387); Al Hijrah Construction and Development (#354); Taba Investment Company (#386); Al Timar al Mubarikah (#358); Gum Arabic Company (#370); Bin Ladin International (#363); Al Qudarat Transport (#356); and Blessed Fruits Company (#364).
 - The 618 names of the individuals and entities listed on Appendix B of DIB's counsel's March 22, 2017 letter were not in dispute for removal from DIB's searches at the time of the Court's July 11, 2018 Order and DIB had agreed to search for them.
- b. **Exhibit 2** is May 9, 2022 Correspondence from Sean P. Carter, Robert T. Haefele, and Jerry S. Goldman, for the Plaintiffs' Executive Committee, to Steven T. Cottreau and Gabrielle Pritsker, of Jones Day, for Dubai Islamic Bank.
 - In light of the new evidence released by the Central Intelligence Agency, and in furtherance of the plaintiffs "meet and confer" obligations, members of the PECs discussed with DIB's counsel requests for DIB to undertake targeted supplemental searches for relevant documents. On pages 2 and 3 of the May 9, 2002 letter, the PECs identified five targeted searches the PECs asked DIB to undertake immediately for categories of documents identified in the letter.

- An Attachment to the May 9, 2022 letter identifies that the list of Bin Ladin’s Sudanese Businesses includes: Wadi al Aqiq Company, Ltd. (a/k/a “The Mother Company”); Al Hijrah Construction and Development, Ltd.; Taba Investment Company, Ltd. (a/k/a Taba Investments); Al Timar al Mubarikah (a/k/a Al Themar al Mubaraka); Gum Arabic Company; Bin Ladin International; Al Qudarat Transport Company (a/k/a Al Qudarat Transportation); Blessed Fruits Company, and Khartoum Tannery.
- c. **Exhibit 3** is an FBI Report, dated October 17, 2001, regarding bank records associated with Omar Al-Bayoumi, which report the FBI produced in a public form pursuant to Executive Order 14040, bearing bates numbers EO14040-002926 to EO14040-002933.
- **Exhibit 3.1**, bearing bates number EO14040-002929-MDL-UPDATED, is a version of the page from Exhibit 3 bearing bates EO14040-002929, that the FBI produced (~~SUBJECT TO THE FBI PROTECTIVE ORDER~~) with certain redactions removed to disclose additional information.
 - The public version of the report shows that Sulaiman al Ali maintained at least one DIB account from which he wired money to Omar al Bayoumi at a time when Bayoumi was aiding two 9/11 hijackers.
 - Under Set Lead 4, on the page bearing bates number EO14040-002929, the FBI identified the existence of Dubai Islamic Bank account records associated with an account (and possibly multiple accounts) at DIB identified as belonging to Sulaiman El Ali related to a wire transfer from DIB on November 4, 1999, for \$190.50.
- At the page bearing bates EO14040-002929-MDL-UPDATED (~~SUBJECT TO FBI PROTECTIVE ORDER~~), in “Set Lead 4” addressing Dubai Islamic Bank accounts belonging to Sulaiman El Ali, the FBI identifies a financial transaction from Dubai Islamic Bank on November 4, 1999, for \$190.50 from “Sender Ref Number” XXXXXXXX06JH, with a “Possible Acct #” of XXXXXXXX6533 [Note: the numbers are not redacted in the FBI Protected version of the document at Exhibit 3.1].
- d. **Exhibit 4** is an FBI Report, dated September 29, 2001, that the FBI produced in a public form pursuant to Executive Order 14040, bearing bates numbers EO14040-003073 to EO14040-003079.
- **Exhibit 4.1**, bearing bates numbers EO14040-003075-MDL, is a version of the page from Exhibit 4 bearing bates EO14040-003075, that the FBI produced (~~SUBJECT TO FBI PROTECTIVE ORDER~~) with certain redactions removed to disclose additional information.

- The public version of the report, in conjunction with Exhibit 3, indicates that Sulaiman al Ali maintained at least one DIB account from which he wired money to Omar al Bayoumi at a time when Bayoumi was aiding two 9/11 hijackers.

- At the page bearing bates EO14040-003075-MDL (~~SUBJECT TO FBI PROTECTIVE ORDER~~), in a list of wire transfers into Omar al-Bayoumi's bank account, the FBI includes a November 4, 1999 wire transfer for \$190 with the "Originator" listed as "Sulaiman El Ali Sharjah UAE" and the "Bank" listed as "Dubai Islamic Bank."

e. **Exhibit 5** is a CIA Analytic Report titled "Funding Islamic Extremist Movements: The Role of Islamic Financial Institutions," dated December 1997, that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_000719 to CIA_000804.

- On the page bearing bates number CIA_000722, the CIA assessed that:
 1. "Dubai Islamic Bank (DIB) is a key financial conduit for Usama Bin Ladin's Islamic Army, HAMAS, and Oman's Muslim Brotherhood."
 2. "The bank's chairman, Saeed Ahmed Lootah, is a member of the [Muslim Brotherhood] and a close friend of Bin Ladin's."
 3. "Bin Ladin and his Sudan-based companies maintain several accounts at DIB."
- On the page bearing bates number CIA_000728, the CIA assessed that:
 1. "management's apparently witting involvement in the financial activities of ... Usama Bin Ladin's Islamic Army."
- On the page bearing bates number CIA_000734:
 1. The CIA assessed that "Dubai Islamic Bank (DIB) [was] a financial conduit for Usama Bin Ladin's Islamic Army," and
 2. the CIA found that "Lootah...also has ties to Bank Al Taqwa adviser Sheikh Youssef Al Qaradawi, Usama Bin Ladin, and NIF leader Turabi. His religious conservatism apparently extends to DIB's personnel policy; bank employees are forbidden to be involved with outside business activities, nor are they to associate with non-Muslims"
- On the page bearing bates number CIA_000735, the CIA made the following assessments:
 1. "Lootah is a close friend and business associate of Usama Bin Ladin's, head of the Islamic Army—a pan-Islamic militant group established during the Afghan war."

2. "... Bin Ladin's Sudan-based companies are customers of DIB."
 3. "Lootah and DIB have alleged ties to other Dubai-based individuals and firms that maintain financial links to Bin Ladin: Hisham Ihsan Koprulu, the General Manager of Koprulu Trading Company in Dubai, is a DIB customer who has had regular business and financial dealings with Bin Ladin, his Al-Hijra company, and Islamic Army members."
- On the page bearing bates number CIA_000737, the CIA assessed the following:
 1. "DIB and Lootah have connections to several Islamic NGOs that purportedly fund militant causes. A principal connection probably is through DIB board member Sheikh Yousif Jassim Al Haji—an important leader in Kuwait's extensive network of private charities. Al Haji is chairman of the Kuwait-based International Islamic Charities Organization (IICO), an NGO that oversees 150 member organizations worldwide. [Redacted], the IICO was established in 1986 as a cover entity for the safe and efficient management of MB finances [T]he IICO sends funds [redacted] to the Peshawar, Pakistan-based Maktab-ul Khedamat, an NGO that coordinates activities of militant Afghanis and supports the Bosnian Mujahaddin. In addition, Al Haji is an executive board member of the Khartoum-based Islamic Dawa Organization (IDO)—which is, ... an NGO controlled by the NIF. Al Haji 's position as DIB director suggests that some of the Kuwaiti ownership in DIB is held by IICO and that some of DIB 's annual zakat payments (charitable donations) are channeled to the IICO and IDO." [footnotes omitted]
 - On the page bearing bates number CIA_000747, the CIA concluded the following.
 1. "DIB Chairman Lootah personally authorized, stamped, and signed some letters of credit opened by Bin Ladin's companies in Khartoum through DIB...."
 2. "Lootah's purported friendship with Bin Ladin suggests greater personal service for this customer."
 - On the page bearing bates number CIA_000797, the CIA identifies directors of Dubai Islamic Bank as including, among others:
 1. "Saeed Ahmed Lootah ..., Sultan Ahmed Lootah..., Yousif Jassim al Haji, . . . Saleh Saeed Lootah, Tariq Hilal Lootah"
- f. **Exhibit 6** is a CIA Analytic Report titled "Al-Qa'ida in Sudan, 1992-96: Old School Ties Lead Down Dangerous Paths," dated March 10, 2003, that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_0000037 to CIA_000052.
- On the page bearing bates number CIA_000045 the CIA assessed that

1. “Bin Ladin also made financial and commercial connections in Dubai. For example, Bin Ladin’s Sudan-based companies and his financial officers opened bank accounts and letters of credit at Dubai Islamic Bank (DIB) with the active help of DIB Chairman Sa’id Ahmed Lootah.”
- g. **Exhibit 7** is a CIA Intelligence Report on the Financial Infrastructure and Networks of Bin Ladin’s Army, dated January 3, 1997, with the subject line “Terrorism: Companies Linked to Usama Bin Ladin,” that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_000420 to CIA_000428.
- On the page bearing bates number CIA_000422, the CIA assessed that:
 1. “several hundred/thousand National Islamic Front (NIF) members worked for Bin Ladin. Every Bin Ladin company had at least some NIF employees.”
 - On the page bearing bates number CIA_000426, the CIA made the following assessments.
 1. “(Unidentified) business located in Jabal Ali, United Arab Emirates (UAE) - The company is managed by ((Abu Khalifa al-Omani)). Abu Khalifa handles Bin Ladin's money in the Gulf under Madani al-((Tayyib)) 's supervision. The company provides money to Saudi and Yemeni groups. It also works with Sa' id Ahmad ((Lootah)) 's businesses (NFI), which in turn cooperate with Bin Ladin' s companies.”
 2. “Lootah is the one [who] authorizes (stamps and signs) some of Bin Ladin’s letters of credit.”
- h. **Exhibit 8** is a CIA Analytic Report titled “Usama Bin Ladin’s Finances: Some Estimates of Wealth, Income, and Expenditures,” dated November 17, 1998, that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_000316 to CIA_000338.
- On the page bearing bates number CIA_000320, the CIA assessed that:
 1. “Madani al-Tayyib ... has been identified as the chief financial officer of the Al-Qa’ida organization.”
 - On the page bearing bates number CIA_000322, the CIA assessed that:
 1. “Bin Ladin, financial Officer Madani Al-Tayyib, and other Al-Qa’ida members held numerous accounts at Dubai Islamic Bank because of Bin Ladin’s reported personal friendship with DIB Chairman, Saeed Ahmed Lootah.”
 - On the page bearing bates number CIA_000337, the CIA made the following assessments...

1. “Dubai Islamic Bank (DIB) has served as a key financial conduit for Al-Qa’ida and for Bin Ladin’s companies in Sudan....”
 2. “Bin Ladin and his companies maintained ... accounts at DIB.”
 3. “DIB Chairman Saeed Ahmed Lootah is a close friend of Bin Ladin’s.”
- i. **Exhibit 9** is a CIA Intelligence Report in the structure of Al Qaeda and Leadership composition and the roles and responsibilities of the organizational component (22), dated December 19, 1996, with the subject line “Terrorism: Responsibilities and Background of Islamic Army Shura Council Members,” that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_000360 to CIA_000370.
 - On the page bearing bates number CIA_000363, the CIA assessed that:
 1. “Madani Al-(Tayyib)), AKA Abu Al-Fadl[,] ... is the overall supervisor for the financial committee and is in charge of all Islamic Army finances.”
 - j. **Exhibit 10** is a CIA Analytic Report, dated October 18, 2001, titled “Usama Bin Ladin: Al-Qaida’s Financial Facilitators,” that the CIA produced pursuant to Section 2(b)(i) of Executive Order 14040, bearing bates numbers CIA_000499 to CIA_000563.
 - On the page bearing bates number CIA_000510, the CIA concluded that:
 1. “Until early 1997, al-Qa’ida’s senior financial officer was Saudi national Sidi al-Ghazi Madani al-Tayyib—Bin Ladin’s brother-in-law: Tayyib headed the financial and administrative committee, which supervised al-Qa’ida’s overall finances and audited al-Qa’ida members.”
 - k. **Exhibit 11** is a September 10, 2018, letter from DIB counsel Steven T. Cottreau.
 - l. **Exhibit 12** is the Supplementary Expert Report of Jonathan M. Winer (June 16, 2022), which is Exhibit A to the July 29, 2022 Declaration of Jonathan M. Winer, previously filed at ECF No. 8317-4.
 - At Section 3.10.7 of his report, Mr. Winer references and discusses the CIA Report at Exhibit 5 (citing CIA_000797), noting that Yousif Jassim al Haji was a Board member of DIB.
 - At Section 7.13 of his report, Mr. Winer references and discusses the CIA Report at Exhibit 5 (citing CIA_000797) in supporting his opinion that:
 1. “Lootah (and DIB itself) were connected to ‘several Islamic NGOs that purportedly funded militant causes,’ who the CIA found ‘probably’ came to Lootah and DIB through DIB board member Sheikh Yousif Jassim Al Haji, ‘an important leader in Kuwait’s extensive network of private charities,’

described as chairman of a Kuwait-based organization, the International Islamic Charities Organization ('IICO') that was 'established in 1986 as a cover entity for the safe and efficient management of MB (Muslim Brotherhood) finances,' and which sent funds to the Peshawar-Pakistan-based Maktab-ul Khedamat, an NGO that coordinates activities of militant Afghans and supports the Bosnian Mujahaddin."

- m. **Exhibit 13** is Plaintiffs' First Set of Requests for Production of Documents Directed to Dubai Islamic Bank, dated October 15, 2010. Among the Requests are Requests Nos. 89, 91, which ask DIB to produce documents concerning International Islamic Charities Organization ("IICO").
- n. **Exhibit 14** is August 22, 2012 Correspondence from Steven T. Cottreau, of Clifford Chance, representing defendant Dubai Islamic Bank, to Sean Carter, for the Plaintiffs' Executive Committees.

Executed in Mount Pleasant, South Carolina on September 7, 2022

/s/

Robert T. Haefele